

Sixth Appellate District

San Jose, California

MONDAY, MARCH 17, 2008

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Bamattre-Manoukian, Acting P.J.; McAdams, J.; Duffy, J.; and Jane Valdez Flor, Deputy Clerk.

H030877 PEOPLE v. LEUNG

Cause called and argued by Michael Mehr appearing for Appellant and by Masha Dabizza, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H030966 LEVIN v. DONNELLY, as Executor, etc.

Cause called and argued by Daniel P. Levin appearing for Appellant and by Allonn Levy and Ellen McKissock appearing for Respondent. Cause ordered submitted.

McAdams, J. leaves the bench and Mihara, J. takes the bench.

H030660 PEOPLE v. KRONGARD

Cause called with Gordon B. Scott appearing for Appellant and by Allan Yannow, Deputy Attorney General, appearing for Respondent. Matter taken off calendar due to pending abandonment of appeal.

Bamattre-Manoukian, Acting P.J. leaves the bench and McAdams, J. takes the bench.

H031130 TENDLER v. WWW.JEWISHSURVIVORS.BLOGSPOT.COM, et al.

Cause called and argued by Mordecai Tandler appearing in propria persona and by Cindy A. Cohn and Paul Levy appearing for Respondents. Cause ordered submitted.

Court recesses until 1:30 p.m.

H031713 IN RE ANALISA A., et al.; MONTEREY DSES v. MEGAN A.

The order of the juvenile court is affirmed. (not published)  
(Premo, J.; We concur: Rushing, P.J., Elia, J.)  
Filed March 17, 2008

The following case is submitted this date:

H032515 DIANNE L. v. SUPERIOR COURT

H032515 DIANNE L. v. SUPERIOR COURT

The petition for extraordinary writ is denied. This opinion is final forthwith as to this court. (not published)  
(Elia, J.; We concur: Rushing, P.J., Premo, J.)  
Filed March 17, 2008

Sixth Appellate District

San Jose, California

Monday, March 17, 2008 (continued)

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Mihara, Acting P.J.; McAdams, J.; Duffy, J.; and Beth Miller, Deputy Clerk.

H030458 PEOPLE v. BAUTISTA

Cause called and argued by Meredith Fahn appearing for Appellant and by Aileen Bunney, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H030428 PEOPLE v. GARCIA, et al.

Cause called and argued by Irma Castillo appearing for Appellant Alonso and by Bruce Ortega, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

The court is adjourned.

TUESDAY, MARCH 18, 2008

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Premo, J.; Elia, J.; and LaNae Brooks, Deputy Clerk.

H030918 PEOPLE v. NGUYEN

Cause called and argued by George Schraer appearing for Appellant and by Catherine A. McBrien, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H030551 PEOPLE v. SPILLMAN

Cause called and argued by Kyle Gee appearing for Appellant and by Rene Chacon, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H029980 BLICKMAN TURKUS, LP, et al. v. MF DOWNTOWN SUNNYVALE, LLC et al.

Cause called and argued by Ron Rossi appearing for Appellants MF Downtown Sunnyvale, et al. and by Steven Arthur Hirsch appearing for Appellants Blickman Turkus, et al. Cause ordered submitted.

H032210 PEOPLE v. SUPERIOR COURT OF SANTA CLARA; VILLALPANDO

Cause called and argued by Jessica Delgado, Deputy Public Defender, appearing for Real Party in Interest and by Judith Sklar, Deputy District Attorney, appearing for Petitioner. Cause ordered submitted.

Court is in recess until 1:30 p.m.

Sixth Appellate District

San Jose, California

Tuesday, March 18, 2008 (continued)

H031531 BECKER v. KAJIKURI

The court is directed to modify the second judgment to reflect entry of judgment on the orders awarding sanctions as of February 28, 2007. As so modified, the judgment is affirmed. Kajikuri is awarded his costs on appeal. (not published) (McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Duffy, J.)

Filed March 18, 2008

H031603 PEOPLE v. HUNG

The judgment is modified to strike the conviction for count two, a violation of section 666; the sentence on count three, commercial burglary, a violation of section 459 is stayed under section 654; and the court security fee is reduced to \$40. The trial court shall correct the abstract of judgment to reflect these modifications and forward a copy of the amended abstract to the Department of Corrections. As so modified the judgment is affirmed. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed March 18, 2008

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Premo, J.; Elia, J.; and W. Magsaysay, Deputy Clerk.

H030210 SAN JOSE MEDICAL v. COUNTY OF SANTA CLARA

Cause called and argued by Mark Bonino appearing for Appellant San Jose Medical Center and by Marcy Berkman, Deputy County Counsel, appearing for Appellant County of Santa Clara. Cause ordered submitted.

H030858 MARRIAGE OF SUSAN MELLEN AND TIMOTHY JACKINS

Cause called and argued by appellant Susan Mellen, appearing in pro per, and by Bernard Wolf appearing for Respondent. Cause ordered submitted.

Court adjourns.

H031317 SUTTER'S PLACE v. SUPERIOR COURT OF SANTA CLARA COUNTY; CITY OF SAN JOSE

The petition for writ of mandate, prohibition and/or certiorari is denied. Costs are awarded to the real party in interest. (not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed March 18, 2008

Sixth Appellate District

San Jose, California

WEDNESDAY, MARCH 19, 2008

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Premo, J.; Elia, J.; and Josephene Michel, Deputy Clerk.

H031171 PEOPLE v. CHUNG

Cause called and argued by Alfons Wagner appearing for Appellant and by Moe Jamil, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H031348 PEOPLE v. LITMON, JR.

Cause called and argued by Alfons Wagner appearing for Appellant and by James S. Cahan, Deputy District Attorney, appearing for Respondent. Cause ordered submitted.

H031428 SPRAGUE v. POLJAK

Cause called and argued by Michael P. Masuda appearing for Appellant and by Mark A. O' Connor appearing for Respondent. Cause ordered submitted.

H031429 SPRAGUE v. LENS

Cause called and argued by Michael P. Masuda appearing for Appellant and by Mark A. O' Connor appearing for Respondent. Cause ordered submitted.

The court stands in recess until 1:30 p.m.

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Premo, J.; Elia, J.; and S. Nasson, Deputy Clerk.

H031390 PEOPLE v. GUZMAN

Cause called and argued by Judyanne Vallado appearing for Appellant and by Karen Bovarnick, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H030444 SIMPSON STRONG-TIE COMPANY, INC. v. GORE, et al.

Cause called and argued by Arthur Shartsis appearing for Appellant and by Thomas Burke appearing for Respondents. Cause ordered submitted.

H031110 SIMPSON STRONG-TIE COMPANY, INC. v. GORE, et al.

Cause called and argued by Arthur Shartsis appearing for Appellant and by Thomas Burke appearing for Respondents. Cause ordered submitted. Court adjourns.

Sixth Appellate District

San Jose, California

THURSDAY, MARCH 20, 2008

The following cases are submitted this date:

H032528 JOHNNNA D. v. SUPERIOR COURT

H032092 In re MISTY T.; D.F.C.S. v. JOSEPH T.

H031665 PEOPLE v. JUDITH S.

H030747 PEOPLE v. BERGARA

Appellant's conviction for furnishing a minor with MDMA in count 5 is reversed and the four year eight month term imposed on that count is stricken. The trial court is directed to prepare an amended abstract of judgment and forward a certified copy to the Department of Corrections and Rehabilitation. As modified, the judgment is affirmed. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed March 20, 2008

FRIDAY, MARCH 21, 2008

The following case is submitted this date:

H031653 PEOPLE v. LI

H031094 SEPEHRDAD v. SEPEHRDAD

The judgment is affirmed. (not published)

(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Duffy, J.)

Filed March 21, 2008

H030580 PEOPLE v. NORRIS

The judgment is affirmed. (not published)

(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Duffy, J.)

Filed March 21, 2008

H030985 CREARY v. CREARY

The order denying both Eleanor's motion to set aside judgment pursuant to Code of Civil Procedure section 473(b) and her alternative motion to adjudicate omitted marital assets under Family Code section 2556 is affirmed. (not published)

(Duffy, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)

Filed March 21, 2008

H031439 HUANG v. BELL, et al.

By the Court\*:

Appellant's petition for rehearing is denied.

Filed: March 21, 2008

\*Before Rushing, P.J., Premo, J. and Elia, J.

Sixth Appellate District

San Jose, California

Friday, March 21, 2008 (continued)

H031554 WELCH v. SUPERIOR COURT

Let a peremptory writ of mandate issue directing respondent court to vacate its March 16, 2007 order overruling Robert's demurrer to the first and second causes of action in the third amended complaint, and to enter a new order sustaining Robert's demurrers to the first and second causes of action in the third amended complaint with leave to amend to permit Jeanne to state whatever causes of action she may have, other than an action in tort, to vacate the 1999 Agreement. We also direct respondent court to transfer this matter to the family court and consolidate this action with the family law action (case number 1-91-FL-014736) since the subject matter of this complaint arises out of the modification of the judgment in that case. The temporary stay order issued on June 14, 2007, is vacated. The parties shall bear their own costs in this writ proceeding. (not published)

(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed March 21, 2008

H031438 TSAO v. KNABB

By the Court:

On the court's own motion, the submission order in the above-entitled matter dated February 5, 2008, is hereby vacated. The court by separate letter issued March 10, 2008, has requested supplemental briefing from the parties. The cause will be resubmitted upon completion of supplemental briefing.

Dated: March 21, 2008

Mihara, Acting P.J.